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Convention on the Rights of the Child

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Committee on the Rights of the Child
Seventieth session
14 September–2 October 2015
Agenda item 4
Consideration of reports of States parties

List of issues in relation to the combined fourth and fifth periodic reports of Chile

The State party is requested to submit additional, updated information in writing, if possible by 15 June 2015 (10,700 words maximum).

The Committee may take up any aspects of children's rights set out in the Convention during the dialogue with the State party.

Part I

In this section, the State party is requested to submit its responses to the following questions.

1. In the light of the constitutional reform bill, please explain how the State party intends to ensure that the rights of children and adolescents are recognized at the constitutional level in accordance with the Convention. Please also provide information as to whether or not any procedure is to be established for ensuring that children can make their voices heard as part of that process. Please also report on the measures taken to secure the adoption of a comprehensive law on the rights of children and adolescents.

2. Please provide information on the ongoing institutional reform process undertaken with a view to setting up a comprehensive system for the protection of the rights of children and adolescents. Please report on how the authorities will ensure that the system will be coordinated by a high-level interministerial body with a clear mandate and sufficient authority and that the system will have the human, financial and technical resources necessary for it to operate effectively.

3. Please report on what measures have been taken to design a comprehensive policy on the rights of children and adolescents that is backed up by a strategy and appropriate budgetary funding.

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4. Please update the information provided in paragraph 27 of the State party's report relating to government plans to set up an autonomous institution to defend the rights of the child.

5. Please provide detailed information on the budgetary process as it relates to allocations of funds for the benefit of children, particularly in the fields of education, health and support for families. Please report on whether a system of indicators and other tools has been put in place to facilitate the monitoring of that process.

6. Please provide information on any measures taken to set up a standardized system for the compilation of data, disaggregated by age, sex, disability, socioeconomic status, ethnic origin, rural/urban place of residence and geographical location, among others, concerning all the areas covered by the Convention and its Optional Protocols.

7. Please provide information on the provisions adopted to ensure that corporate operations, particularly in the mining, timber and thermal power sectors, do not undermine children's rights, including the right to a healthy environment.

8. Please provide information on the measures taken to eliminate discrimination against lesbian, gay, bisexual, transsexual and intersex (LBGTI) children and adolescents and to protect them from discriminatory practices and bullying in schools. Please also provide information on the measures adopted to ensure that intersex children are not subjected to unnecessary surgery without their consent.

9. Given the high level of violence against children and adolescents in the home, please report on the measures taken to explicitly prohibit, by law, all forms of violence against children and adolescents, including sexual abuse within and outside the home, corporal punishment in all spheres and bullying in schools, and the steps taken to adopt a comprehensive action plan to prevent such violence, to protect, rehabilitate and compensate victims, and to try suspected perpetrators. Please also provide information on the measures taken to investigate cases of violence and abuse, including sexual abuse, allegedly committed by the police during the peaceful student demonstrations of 2011 and 2012.

10. Please provide information on the steps that are to be taken in order to reform the alternative care system in accordance with the Convention. Please also indicate what measures have been taken to improve conditions for children living in prison with their mothers.

11. Please report on the measures taken to ensure that the 2013–2020 National Policy for the Social Inclusion of Persons with Disabilities (2013–2020) takes an appropriate approach to issues related to the rights of children with disabilities, particularly in the spheres of inclusive education, occupational training, health, recreation and culture, accessibility and the fight against discrimination. Please indicate what specific indicators and monitoring mechanisms are to be used in this connection. Lastly, please report on the measures taken to ensure that girls with disabilities are not sterilized merely because they have a disability.

12. In the light of the alarming increase in the number of suicides committed by children between the ages of 10 and 18 years, please provide information on the measures taken to reverse that trend and to support children's mental health.

13. Please provide further information on the measures taken to prevent adolescent pregnancies and to address the high rate of such pregnancies. Please refer, in particular, to the provision of sex education programmes for adolescents and access to confidential guidance centres. Please also indicate how the authorities intend to respond to the Committee's recommendation that the State party should decriminalize abortion in cases of rape, incest and situations where the life or health of the mother is at risk (CRC/C/CHL/CO/3, para. 56).

14. With regard to the current education reform bill, please indicate how the authorities intend to put an end to segregation in the education system and guarantee the right to equality and non-discrimination in terms of access to education and within schools. Please indicate whether there are plans to abandon the voucher system and the student selection process in all public, subsidized and private schools. Please also provide information on the measures taken to reduce the school dropout rate and to address the situation of persons who drop out of school owing to pregnancy or parenthood in adolescence.

15. With respect to the information provided in paragraphs 359 to 365 of the State party's report, please provide additional information on whether any assessment has been carried out of the impact of the measures taken to guarantee the rights of immigrant children and adolescents, particularly their rights to health, education, family life and protection from all forms of violence.

16. Please provide updated information on the measures taken to eliminate discrimination against indigenous children and adolescents, particularly those belonging to the Mapuche community. Please refer, in particular, to measures relating to the preservation of their cultural identity, the right to intercultural education and the right to have their voices heard in relation to decision-making processes that affect them. Please also report on the measures taken to ensure that Mapuche children and adolescents and their families are not subjected to intimidation and violence by the police. Please also report on how the Counter-Terrorism Act is being implemented and on how the authorities are making sure that indigenous children are not, under any circumstances, investigated and/or tried under the terms of that law.

17. Please report on whether there are plans to introduce legislative provisions that will explicitly regulate child labour conditions (including those applying to domestic child labour) and establish penalties for non-compliant employers. Please also provide information on the results of the 2001–2010 National Plan on the Prevention and Progressive Elimination of Child Labour and indicate whether the authorities intend to adopt another comprehensive action plan in that sphere.

18. With reference to the Committee's recommendations on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, please provide further information on how all the offences covered by the Optional Protocol (CRC/C/OPSC/CHL/CO/1, para. 24) are defined in Chilean law, what the established punishments for those offences are and what provisions are in place regarding the trial of alleged perpetrators (para. 26). Please also indicate whether any assessment has been carried out of the prevention, protection and rehabilitation programmes in place for child victims of sexual exploitation and trafficking and, if so, what the outcome of that assessment was.

19. With regard to the Committee's recommendations on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, please report on the measures taken to explicitly prohibit the forced recruitment of children in wartime (CRC/C/OPAC/CHL/CO/1, para. 14) and to increase the minimum age for voluntary recruitment to 18 years (ibid, para. 16).

20. Please provide information on the implementation of Juvenile Criminal Justice Act No. 20084 of 2007, at both the organizational and the operational levels. Please indicate what specific measures have been taken to set up specialized juvenile justice units in the Public Prosecution Service, the Public Defender's Unit and the Police and to set up courts presided over by specialized judges. Please provide further information on the measures taken to ensure that detention (including pretrial detention) is used only as a last resort and on conditions in juvenile detention centres. Please also provide detailed information on the official procedure that adolescents held at such centres can use to file complaints relating to

infringements of their rights. Please also provide information on the procedures used to enable child victims and witnesses to be heard in judicial and administrative proceedings and to protect them from being revictimized.

Part II

In this section, the State party is invited to briefly (three pages maximum) update the information provided in its report with regard to:

(a) New bills or enacted pieces of legislation and their accompanying regulations;

(b) New institutions, their mandates and funding;

(c) Newly adopted and implemented policies and programmes and their scope in the State party;

(d) Recent ratifications of human rights instruments.

Part III

Data and statistics, if available.

1. Please provide information on the consolidated budget, disaggregated by budget item, covering the past three years, in terms of resources allocated for the benefit of children and adolescents. In addition, please indicate what percentage of the total national budget and the State party's GDP each budget item represents. If possible, please provide budgetary information disaggregated by age, sex, disability, socioeconomic status, ethnic origin, rural/urban place of residence and geographical location.

2. Please provide information on the number of cases relating to the mismanagement of funds allocated for children and adolescents that have been opened and on the number of final convictions. Where possible, please indicate the institution to which the perpetrator belonged and whether that institution subsequently adopted measures to prevent such cases from arising in the future.

3. Please provide data (disaggregated by age, sex, disability, socioeconomic status, ethnic origin, rural/urban place of residence and geographical location) for the past three years on the number of children and adolescents:

(a) Who have died as a result of ordinary crime, domestic violence, easily preventable diseases, medical negligence or accidents (electrocution, drowning, occupational accidents, etc.). Please also indicate how many legal cases have been opened in connection with each of those categories, how many final convictions there have been and in how many cases compensation has been awarded. Where possible, please provide data on the offenders, specifying whether they were members of criminal gangs, police officials, relatives, teaching or medical staff or other;

(b) Who have been victims of abuse and violence, while providing additional information on the type of violence (torture, sexual violence, corporal punishment, domestic violence, street violence, etc.) and the type of assistance afforded to child victims, the compensation received and the follow-up carried out, including the trials of perpetrators and the sentences handed down in the State party. Where possible, please also provide information on the offenders, specifying whether they were members of criminal gangs, police officials, family members, teaching staff or other.

4. Please provide data (disaggregated by age, sex, disability, socioeconomic status, ethnic origin, rural/urban place of residence and geographical location) for the past three years on:

(a) Infant mortality;

(b) Maternal mortality;

(c) Undernutrition;

(d) Children and adolescents infected with or affected by HIV/AIDS (specifying cases of mother-to-child transmission);

(e) Birth weights;

(f) Mental illness;

(g) Vaccination coverage;

(h) Child and adolescent pregnancies;

(i) Child and adolescent suicides;

(j) The number of child and adolescent drug users;

(k) The actual coverage of drinking water and sanitation facilities.

5. Please provide data (disaggregated by age, sex, disability, socioeconomic status, ethnic origin, rural/urban place of residence and geographical location) for the past three years on the number of children and adolescents:

(a) Who have been abandoned;

(b) Who have been separated from their parents;

(c) Who are living in institutions;

(d) Who are living with foster families;

(e) Who have been adopted domestically or through inter-country adoptions.

6. Please provide data (disaggregated by age, sex, disability, socioeconomic status, ethnic origin, rural/urban place of residence and geographical location) for the past three years on the number of children and adolescents with disabilities who:

(a) Are living with their families;

(b) Are living in institutions;

(c) Are attending mainstream primary schools;

(d) Are attending mainstream secondary schools;

(e) Are attending special schools;

(f) Are not attending school;

(g) Are receiving treatment as a part of special physical or mental health rehabilitation programmes.

7. Please provide data (disaggregated by age, sex, disability, socioeconomic status, ethnic origin, rural/urban place of residence and geographical location) for the past three years on:

(a) School enrolment and completion rates as percentages of each relevant age group in preschool education centres and in primary and secondary schools;

(b) The number of students in each category of school (public schools, State-subsidized private schools, private schools);

(c) Examination results for each category of school referred to in the previous subparagraph;

(d) The number and percentage of dropouts and repetitions. Please specify the underlying reasons, if known;

(e) The teacher-student ratio.

8. Please provide data (disaggregated by age, sex, disability, socioeconomic status, ethnic origin, rural/urban place of residence and geographical location) for the past three years on the number of children and adolescents who are:

(a) Engaged in child labour (please provide information broken down by type of work, including hazardous work);

(b) In street situations;

(c) Victims of human trafficking (please specify the purpose of the trafficking);

(d) Victims of sale (please specify the purpose of the sale);

(e) Victims of prostitution;

(f) Victims of child pornography.

9. Please provide data (disaggregated by age, sex, disability, ethnic origin, rural urban place of residence, geographical location and type of offence) for the past three years on the number of:

(a) Children and adolescents alleged to have committed an offence that was reported to the police;

(b) Adolescents who have been convicted (specifying the type of penalty or punishment corresponding to the offence, including the duration of any deprivation of liberty);

(c) Detention centres for children and adolescents in conflict with the law and their capacity;

(d) Adolescents and young adults held in such facilities and the number of adolescents held in adult facilities;

(e) Children in pretrial detention and the average duration of such detention;

(f) Cases of abuse and ill-treatment of children or adolescents occurring during arrest and/or detention.

10. Please provide data (disaggregated by age, sex, disability, socioeconomic status, ethnic origin, rural/urban place of residence and geographical location) on the number of family reunifications in countries of destination or origin in which the State party has played a part, relative to the total number of unaccompanied immigrant children and adolescents.

11. Please provide the Committee with an update of data contained in the report that may now be out of date and replace them with more recent data or information on other new developments.

12. The State party is invited to provide the Committee with a list of issues relating to children and adolescents that it considers to be priorities in relation to the implementation of the Convention.